

Prob 12C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION FOR WARRANT OR SUMMONS FOR
OFFENDER UNDER SUPERVISION**

Offender Name: Brandon Keith HARDIN

Docket Number: 2:03CR00501-02

Offender Address: Sacramento, California

Judicial Officer: Honorable William B. Shubb
United States District Judge
Sacramento, California

Original Sentence Date: 03/03/2004

Original Offense: 18 USC 1708 - Possession of Stolen Mail
(CLASS D FELONY)

Original Sentence: 18 months Bureau of Prisons; 36 months supervised
release; \$100 special assessment

Special Conditions: Warrantless search; Financial disclosure; Correctional
treatment; Drug testing; \$5 Co-payment

Type of Supervision: Supervised Release

Supervision Commenced: 10/12/2005 (reimposed date)

Assistant U.S. Attorney: Michael Beckwith **Telephone:** (916) 554-2700

Defense Attorney: Tim L. Zindel **Telephone:** (916) 498-5700

Other Court Action:

08/03/2005: After the defendant was found in violation of his
supervised release for illicit drug use and failure to
participate in drug testing, the Court revoked his
supervised release and sentenced him to three months
Bureau of Prisons and 33 months supervised release.
In addition to his standard conditions of supervision and

RE: Brandon K. HARDIN
Docket Number: 2:03CR00501-02
PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION

his previously ordered special conditions, the Court ordered the defendant to reside in and successfully complete a residential treatment program for three months.

10/31/2005: _____ A Petition was filed alleging the defendant's failure to complete a residential treatment program.

11/30/2005: The defendant admitted the charge as alleged in the Petition filed on October 31, 2005. The Court was advised the defendant had been trying to enroll in another residential treatment program. The Court continued the matter for two weeks.

12/14/2005: The defendant returned to court and advised that he was on a waiting list for a residential program. The Court was advised of the defendant's continued drug use and missed urinalysis. The defendant was remanded pending placement in a residential treatment program.

12/21/2005: The defendant was released pending placement in a residential treatment program.

01/11/2006: The Court was advised the defendant failed another residential treatment program and requested a dispositional hearing for 01/18/2006.

RE: Brandon K. HARDIN
Docket Number: 2:03CR00501-02
PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION

PETITIONING THE COURT

(X) TO ISSUE A WARRANT

(X) OTHER: To request the dispositional hearing set for January 18, 2006, be taken off the calendar and continued to a later date.

The probation officer alleges the offender has violated the following condition(s) of supervision:

Charge Number Nature of Violation

Charge 1: NEW LAW VIOLATION

According to the Criminal Justice Information System, on January 14, 2006, the defendant was arrested by the California Highway Patrol for violation of California Vehicle Section 20001(a) - Fleeing the Scene of an Accident; California Penal Code Sections 12022.7(a) - Inflicting Great Bodily Injury While Committing/Attempting a Felony and 1203.2 - Re-arrest of Probationer; and California Health and Safety Code Section 11377 - Possession of a Controlled Substance.

The above is a violation of the standard condition that the defendant not commit another federal, state, or local crime.

Justification: The defendant has committed a new law violation. The severity of the offense is unknown other than the fact that injuries and drugs were involved. (The arrest report was not available at the time of this dictation.) The defendant has continued to demonstrate his disrespect for the law and the orders of the Court.

RE: Brandon K. HARDIN
Docket Number: 2:03CR00501-02
PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Bail/Detention: The defendant is considered a danger to the community. He has continued to involve himself with illegal drugs and previously reported that proceeds from his criminal activities supported his drug habit. Further, it was reported the defendant threatened another individual with a gun. The defendant's wife's two older children have been cared for by their paternal grandparents. It was reported that on January 13, 2006, at approximately 11:30 p.m., the defendant went to the grandparents' house and demanded that they release the two children to his custody. When the grandfather refused, the defendant pointed a gun at his face.

The defendant is currently in custody on new charges. It is recommended the Court issue a warrant, thus securing a detainer should the defendant be released from custody on the local charges. Should the defendant remain in local custody and is subsequently transferred to state custody, the warrant will be lodged as a detainer with custodial officials, thus ensuring the defendant's appearance in federal court to answer the above allegations once he completes his term of imprisonment in state custody.

It is further requested that the dispositional hearing set for January 18, 2006, be continued to a later date. The circumstances of the new offense and the outcome of the pending charges will impact our recommendation.

RE: Brandon K. HARDIN
Docket Number: 2:03CR00501-02
PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: January 17, 2006
Sacramento, California
KMM:jz

Respectfully submitted,

/s/ Kris M. Miura

KRIS M. MIURA
United States Probation Officer
Telephone: (916) 930-4305

REVIEWED BY: /s/ Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

RE: Brandon K. HARDIN
Docket Number: 2:03CR00501-02
PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION

THE COURT FINDS PROBABLE CAUSE AND ORDERS:

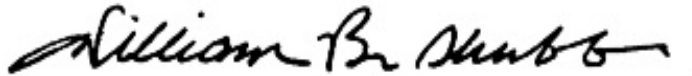
☒ The issuance of a warrant ☐ Bail set at \$ ____ ☒ No Bail

☒ Other: The dispositional hearing set for January 18, 2006, be taken off the calendar and continued to a later date.

FURTHER PROCEEDINGS REGARDING CUSTODY:

☒ Initial appearance and detention hearing before Magistrate Judge.

Date: January 18, 2006



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

cc: United States Probation
 Michael Beckwith, Assistant United States Attorney
 United States Marshal

Attachment: Presentence Report (Sacramento only)

**STATEMENT OF EVIDENCE OF ALLEGED
SUPERVISED RELEASE VIOLATIONS**

Honorable William B. Shubb
United States District Judge
Sacramento, California

RE: Brandon K. HARDIN
Docket Number: 2:02CR00501-02

Your Honor:

In addition to a copy of the **Acknowledgment of Conditions of Probation or Supervised Release and Receipt of Criminal Judgment and Judgment and Commitment Order**, the following evidence and/or testimony will be offered to support the probation officer's allegation that the above-named releasee is in violation of the conditions of supervision as stated on the attached Probation Form 12C - Petition for Warrant or Summons for Offender Under Supervision.

Charge 1: NEW LAW VIOLATION

A. Evidence:

At this time, the booking sheet obtained via the Criminal Justice Information System. Once available, the California Highway Patrol Report.

B. Witnesses:

California Highway Patrol Officer Hill.

RE: Brandon K. HARDIN
Docket Number: 2:03CR00501-02
STATEMENT OF EVIDENCE

Respectfully submitted,

/s/ Kris M. Miura

KRIS M. MIURA
United States Probation Officer

DATED: January 17, 2006
Sacramento, California
KMM:jz

REVIEWED BY: /s/ Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

REVOCATION GUIDE - SUPERVISED RELEASE

Offender Name: Brandon K. HARDIN

Docket Number: 2:03CR00501-02

Date of original offense: 11/07/2003

Original term of supervised release imposed: 3 years.

Highest grade of violation alleged: B

Criminal History Category of offender: VI

Chapter 7 range of imprisonment: 21 to 24 months.

Maximum term on revocation - 18 USC 3583(e)(3): *(choose one below)*

- ☐ Class A felony - 5 years (or stat max of ___ years if longer).
- ☐ Class B felony - 3 years
- ☒ Class C and/or D felony - 2 years
- ☐ Class E felony and misdemeanors: 1 year

Violation requires mandatory revocation: YES: ☐ NO: ☒.

MANDATORY REVOCATION ISSUES

Original offense committed after 09/13/94: Title 18 USC 3583 instructs that supervision shall be revoked upon a finding of: 1) Possession of a controlled substance; 2) Possession of a firearm; or, 3) Refusal to comply with mandatory drug testing. If the violation involves the use of a controlled substance, the Court has the discretion to find that "use" constitutes "possession."

Positive/Failed Drug Tests after 11/02/2002: Title 18 USC 3583(g) amended and instructs that supervision be revoked for: Testing positive for illegal controlled substances more than three times over the course of one year.

KMM:jz